

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CV. 9555

Fallah S. Chambo

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Time Warner Cable
New York CityCOMPLAINT
FOR EMPLOYMENT
DISCRIMINATIONJury Trial: ☒ Yes ☐ No
(check one)(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.☒

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☒

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Fallah S. Chambo
 Street Address 244 W. 122 St. #1A
 County, City New York City
 State & Zip Code State of New York, 10027
 Telephone Number 917-284-5085

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Time Warner Cable New York City
 Street Address 60 Columbus Circle
 County, City New York City
 State & Zip Code New York, NY, 10023
 Telephone Number _____

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Time Warner Cable New York City
 Street Address 120 East 23 St. 7th Fl.
 County, City New York, NY City
 State & Zip Code New York, NY 10010
 Telephone Number _____

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

_____ Failure to hire me.
 _____ Termination of my employment.
✓ Failure to promote me.
 _____ Failure to accommodate my disability.
✓ Unequal terms and conditions of my employment.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Fallah, S. Chambo
 Street Address 244 W. 122 St. # 1A
 County, City New York City
 State & Zip Code New York State - 10027
 Telephone Number 917-284-5085

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Time Warner Cable New York City
 Street Address 60 Columbus Circle, N.Y.C.
 County, City New York, NY City
 State & Zip Code 10023
 Telephone Number _____

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Time Warner Cable, New York City
 Street Address 120 East 23rd St. 7th Fl.
 County, City New York City
 State & Zip Code New York State - ~~10020~~ - 10010
 Telephone Number _____

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

_____ Failure to hire me.
 _____ Termination of my employment.
☒ Failure to promote me.
 _____ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.

12-13-11

Please see ^{attached} ~~enclosed~~ facts on my Case
on page 3, E.

assigned for one Case, was unsatisfactory
and unfair in the omission of a critical
document in determining the outcome of
my Case.

Sincerely,
Fallah Chambo

☒ Retaliation.

☐ Other acts (specify): Harassment and discrimination

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: July 2006 to present
Date(s)

C. I believe that defendant(s) (check one):

☒ is still committing these acts against me.

☐ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☒ race Black

☒ color Black

☒ gender/sex Male

☒ religion Christian

☒ national origin African (Liberian)

☒ age. My date of birth is 02-15-1954 (Give your date of birth only if you are asserting a claim of age discrimination.)

☐ disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

EEOC - Denied of acceptance of one charge #
846-2008-06²⁵², addressed to investigation Young dated
on April 9, 2010 (see attachment), Regarding promotion by
TWC, NY, which could have been crucial in determining the
outcome of my case. It is my belief that the written,
telephone and personal appearances and appeals to EEOC, to rectify
two alleged charges # 846-2008-06²⁵² / 520-2009-02312

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: July 2006 to present. (Date).

B. The Equal Employment Opportunity Commission (check one):

_____ has not issued a Notice of Right to Sue letter.

 ✓ issued a Notice of Right to Sue letter, which I received on 9-29-2011 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

_____ 60 days or more have elapsed.

 ✓ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: _____

My loss of income from being denied promotions based on
racial discrimination, harassment, defamation, demand \$2,000,000.
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13 day of Dec., 2011.

Signature of Plaintiff

Address

Telephone Number

Fax Number (if you have one)

[Signature]
244 W. 122 St. #1A,
New York, N.Y.
10027
917-284-5085
None

B. The Equal Employment Opportunity Commission (check one):

 has not issued a Notice of Right to Sue letter.
 ✓ issued a Notice of Right to Sue letter, which I received on 9-29-2011 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

 60 days or more have elapsed.
 ✓ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

My loss of income being denied promotions based on racial discrimination, harassment, defamation of character, demand \$2,000.00
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13 day of Dec, 2011.

Signature of Plaintiff

Address

[Signature]
244 W. 122 St. #1A
New York, NY 10027

Telephone Number

Fax Number (if you have one)

917-284-5085

12-13-11
See Attachment page 4 (IV. Relief)

Because of the actions by Time Warner and its employees for more than ten years, which continues today, my loss of income from being denied promotions based on racial ~~damages~~ discrimination, the continuous harassment, defamation of my character and emotional effect ~~on~~ my family and me, I demand damages of \$2,000,000.00.

Further details to substantiate all of the above will be presented before the Court.

Fallah S. Chambo



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3630
General FAX: (212) 336-3625

Mr. Fallah Chambo
244 W. 122nd Street; Apt. 1A
New York, NY 10027

Re: Fallah Chambo v. Time Warner Cable, Inc.
EEOC Charge No.: 520 – 2009 – 02312

Dear Mr. Chambo:

The EEOC has concluded its inquiry into your allegations of discrimination. The Commission's Priority Charge Handling Procedures call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws that we enforce. Our review of the evidence in your charge, including the information you provided, fails to indicate that a violation has occurred and it is not likely that additional investigation will result in our finding a violation.

In accordance with these procedures, we have evaluated your claim. According to your charge allegations, you were discriminated against based on your race, color (Black), and national origin (Liberian – American) when you were suspended on August 8, 2008, harassed and retaliated against for complaining about racism, all in violation of Title VII of the Civil Rights Act of 1964, as amended.

Time Warner Cable (the Cable Company or Respondent) denies discriminating against you. Your employer writes in its position statement, to which you provided a rebuttal, that you were appropriately disciplined. You called out sick from work after several foremen denied your request to use a personal day for a Saturday during which your country was having a soccer game. This is undisputed. Respondent asserts that you violated its policy three times before and were appropriately disciplined on August 8, 2008. You maintain that the Cable Company's officials harassed you based on your race, color and national origin; but you provided no evidence to support this. Specifically, you provided no evidence that your race, color and national origin played a role in the events of which you now complain.

You assert that you were retaliated against by Respondent after complaining internally to Human Resources about your co-workers making fun of your accent and making demeaning remarks about you having sex with elephants, giraffes and tigers. Your employer contends it initiated an investigation after an employee complained about you using profanity in an argument with a co-worker and not because of your complaints of racism. Respondent claims that it did not take any disciplinary action against you or the other employees involved in this profanity incident. This does not suggest discrimination.

Witness testimony did not corroborate your assertions.

Based on an analysis of the information submitted by both parties in this matter, the Commission is unable to conclude that the information obtained establishes violations of the statutes. Therefore, your charge is dismissed. This does not certify that the Respondent is in

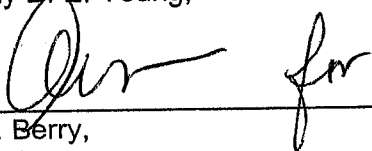
compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

*as per
your
disposal
check*

Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost.

Please contact Federal Investigator D. E. Young at (212) 336 – 3758 if you have any questions.

Sincerely D. E. Young,

 On behalf of
Kevin J. Berry,
District Director

9/29/11
Dated

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

(1) In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

(2) Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Fallah Chambo**
244 West 122nd Street Apt 1 A
New York, NY 10027

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2009-02312

Arlean C. Nieto,
Supervisory Investigator

(212) 336-3676

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry
Kevin J. Berry,
District Director

9/29/11
 (Date Mailed)

Enclosures(s)

cc: **TIME WARNER OF NEW YORK CITY**
Attn.: K. M. Smith, Esq.
Vice President and Chief Counsel, Labor
60 Columbus Circle
New York, NY 10023